

ORDINANCE NO. 04-15

AN ORDINANCE AMENDING SECTION 10-1.1800 OF  
ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS  
FOLLOWS:

Section 1.     FINDINGS. Text Amendment Application PL 2004-0338 relates to the proposed Mt. Eden Annexation and involves amendments to the provisions of the Light Manufacturing, Planning, Research and Development District (LM). The City Council finds and determines as follows:

- A.    The proposed changes would allow storage facilities located in the County to continue should annexation occur, if a conditional use permit is approved by the City, thereby providing an opportunity for such services to continue to be available for residents of the City. Additionally, the proposed changes would establish development, design and performance standards for uses in the LM District for areas outside the South of Route 92 Specific Plan area, which currently do not exist.
- B.    The proposed text amendments are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan and the Mt. Eden Neighborhood Plan.
- C.    Streets and public facilities existing or proposed to be upgraded will be adequate to serve all uses permitted with the proposed text changes.
- D.    With the proposed establishment of new development, design and performance standards for uses in the LM District, all uses permitted with the proposed text changes will be compatible with present and potential future uses.

Section 2.     TEXT CHANGES. Chapter 10, Article 1, section 10-1.1800 of the Hayward Zoning Ordinance, pertaining to the Light Manufacturing, Planning/Research and Development District (LM), is hereby amended as set forth in Exhibit A attached hereto.

Section 3.     SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the

ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 4. EFFECTIVE DATE. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 12<sup>th</sup> day of October, 2004, by Council Member Dowling.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the 19<sup>th</sup> day of October, 2004, by the following votes of members of said City Council:

AYES: COUNCIL MEMBERS: Jimenez, Quirk, Halliday, Ward, Dowling, Henson  
MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED: Roberta Cooper  
Mayor of the City of Hayward

DATE: October 28, 2004

ATTEST: Angelia Reyer  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O. M.  
City Attorney of the City of Hayward

**SEC. 10-1.1800 LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM)**

Sections:

- Section 10-1.1805 Purpose.
- Section 10-1.1810 Subdistricts.
- Section 10-1.1815 Uses Permitted.
- Section 10-1.1820 Conditionally Permitted Uses.
- Section 10-1.1825 Lot Requirements.
- Section 10-1.1830 Yard Requirements.
- Section 10-1.1835 Height Limit.
- Section 10-1.1840 Site Plan Review Required.
- Section 10-1.1845 Minimum Design and Performance Standards

**SEC. 10-1.1805 PURPOSE.**

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.

**SEC. 10-1.1810 SUBDISTRICTS.**

None.

**SEC. 10-1.1815 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the LM District as primary uses.

(1) **Light Manufacturing Uses.**

- (a) Manufacturing and assembly of clothing.
- (b) Manufacturing and assembly of televisions and radios, including parts and components.
- (c) Assembly of electrical appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.
- (d) Assembly of electric appliances such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.
- (e) General office uses (including computer centers), when ancillary to another use listed in this subsection, where an office user shall have less than 2,000 square feet of usable space.
- (f) Publishing facilities.
- (g) Light manufacturing support and service facilities to include activities limited to the servicing of products produced on the parcel or servicing of businesses on the parcel, such as: repair and maintenance of appliances or component parts, tooling; printers, testing shops, small machine shops, copying, and photo engraving.

- (h) Sales at wholesale manufacturers' representatives and sales office, or sales to the ultimate consumer of products made to the customer's orders.
- (i) Engineering, drafting and design facilities, when ancillary to another use listed in this subsection.
- (j) Manufacturing and assembly of business machines, including electronic data processing equipment, accounting machines, calculators and related equipment. Manufacturing and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire cable assembly, provided no noxious or offensive fumes or odors are produced.
- (k) Manufacturing of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.

(2) Other Uses.

Public agency facilities.

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the LM District:

None.

**SEC. 10-1.1820 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses are permitted in the LM District subject to approval of an administrative use permit:

(1) Light Manufacturing Uses.

- (a) Laboratories, including commercial, testing, research, experimental or other laboratories, including pilot plants.
- (b) Printing, lithography and engraving.
- (c) Research and development facilities and such facilities which require area available for laboratories to execute product development. Any research and development use may be operated in conjunction with any allowed light manufacturing use or office use.
- (d) Uses typically associated with research and development and light manufacturing for the electronics and semiconductor industries.
- (e) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced.
- (f) Manufacturing or combining processes of biological products, provided no noxious or offensive fumes or odors are produced.
- (g) Manufacturing and assembly of computer hardware and software, communications, testing equipment, and electronics equipment.

(2) Other Uses.

None.

- b. **Conditional Uses.** The following uses are permitted in the LM District subject to approval of a conditional use permit:

- (1) Major or minor open storage.
- (2) Recreational vehicle storage facility.
- (3) Public storage facilities.

**SEC. 10-1.1825 LOT REQUIREMENTS.**

- |   |  |
|---|--|
| a. Minimum Lot Size:                        | 10,000 square feet                         |
| b. Minimum Lot Frontage:                    | 35 feet                                    |
| c. Minimum Average Lot Width:               | 70 feet                                    |
| d. Maximum Lot Coverage:                    | 40 percent                                 |
| e. Minimum Average Lot Depth:               | 250 feet                                   |
| f. Special Lot Requirements and Exceptions: | See General Regulations Section 10-1.2720. |

**SEC. 10-1.1830 YARD REQUIREMENTS.**

- |   |  |
|---|--|
| a. Minimum Front Yard:  | 20 feet                                    |
| b. Minimum Side Street Yard:  | 10 feet                                    |
| c. Minimum Side Yard:   | None                                       |
| d. Minimum Rear Yard:   | None                                       |
| e. Special Side and Rear Yard Provision for manufacturing and storage buildings and uses: |  |
| (1) 20 feet where abutting an A, OS, R, MH, C, or residential PD zoning district.         |  |
| (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.  |  |
| f. Special Yard Requirements and Exceptions:  | See General Regulations Section 10-1.2725. |

**SEC. 10-1.1835 HEIGHT LIMIT.**

- |  |   |
|--|---|
| a. Maximum Height Permitted:                   | 40 feet   |
| b. Maximum Accessory Building Height:          | 40 feet   |
| c. Maximum Height for Fences/Hedges/Walls:     |   |
| (1) Front and Side Street Yard:                | 4 feet  |
| (2) Side and Rear Yard:                        | 8 feet  |
|  | (Also see Section 10-1.1645(i) for additional standards.) |
| d. Special Height Requirements and Exceptions: | See General Regulations Section 10-1.2730.                |

**SEC. 10-1.1840 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building, grading, or construction permit within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, guidelines and Neighborhood Plans. Site Plan Review approval may also be required for fences (i.e., such as anodized gray chain link fences along corridor streets) in certain circumstances.

## **SEC. 10-1.1845 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of commercial manufacturing and storage buildings and uses in the LM District.

### **South of Route 92 Area.**

The development of LM zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.

### **Manufacturing and Storage Buildings and Uses.**

For manufacturing and storage buildings and uses, refer to the Minimum Design and Performance Standards contained in the I District.

# Daily Review

c/o ANG Newspapers  
22533 Foothill Blvd.  
Hayward, CA 94541  
Legal Advertising  
(800) 595-9595 opt.4

CITY OF HAYWARD  
777 B STREET, ATTN: DPT. OF PUBLIC WORKS  
HAYWARD CA 94541

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PL 2004-0338 PROVISIONS OF THE LIGHT MANUFACTURING FOR MT. EDEN

The Daily Review

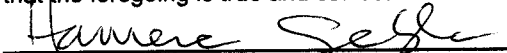
I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Daily Review, a newspaper published in the English language in the City of Hayward, County of Alameda, State of California.

I declare that the Daily Review is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's decree, dated March 2, 1950, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Daily Review as a Newspaper of General Circulation, case number 221938. Said decree states that "'The Daily Review' has been established, printed, and published daily in the City of Hayward, County of Alameda, State of California, for one year or more next preceding the date of the filing of said petition; that it is a newspaper published for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; ... [] [and] THEREFORE, ... 'The Daily Review' is hereby determined and declared to be a newspaper of general circulation [within the meaning of Government Code §§ 6000 et seq.]" Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/16/04

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No.

0000425644

### PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HAYWARD

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B. The proposed text amendments are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan and the Mt. Eden Neighborhood Plan.

C. Streets and public facilities existing or proposed to be upgraded will be adequate to serve all uses permitted with the proposed text changes.

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Section 3. **SEVERANCE.** Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 4. **EFFECTIVE DATE.** In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held October 12, 2004, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 19, 2004, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Angelina Reyes, City Clerk  
City of Hayward

The Daily Review, #425644  
October 16, 2004